Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2016 Regular Session

Part I: Measure Information

Bill Request #: 2076
Bill #: SB 207 GA
Bill Subject/Title: AN ACT relating to crimes and punishments.
Sponsor: Senator Wil Schroder
Unit of Government: X City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: local jails; local law enforcement
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

SB 207 GA amends KRS 525.200 to make a person guilty of assault on a service animal 1st degree when he intentionally kills or causes serious physical injury to a service animal, causes physical injury by use of a deadly weapon, or wantonly causes serious physical injury by use of a deadly weapon. Assault on a service animal is a Class D felony. Section 2 amends KRS 439.3401 to include as a "violent offender" any person who has attempted to commit a murder as described in KRS 507.020; however, victims of domestic violence who are convicted of attempted murder are excluded from the minimum service requirements imposed on "violent offenders."

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

SB 207 GA is expected to have minimal impact on local governments.

Assault on a service animal in the first degree is a Class D felony. When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.92 per day. Upon

sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.92 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

Similarly, anyone charged with attempted murder (KRS 507.020) would be housed in local jails until disposition of the case, and local jails would be reimbursed at a per diem rate for costs associated with housing the defendant.

Data Source(s): Kentucky Jailers Association; Kentucky Association of Chiefs of Police;

Kentucky Sheriffs' Association

Preparer: Daniel Carter **Reviewer:** JWN **Date:** 3/8/16